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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,731	07/26/2001	Dae-Sik Oh	1675	7873
28005	7590	11/16/2005	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/915,731	Applicant(s) OH ET AL.	
	Examiner Julio R. Perez	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 5-19 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Corbett et al. (hereinafter Corbett) [US pat. No. 6351642].

Regarding claims 5, 18, Corbett discloses a method and a system for establishing an active set for a mobile station operating in a cellular wireless system, the method comprising: determining a physical position of the mobile station (col. 4, lines 28-34, 63-66, position of the mobile station is determined); using the physical position of the mobile station as a basis to establish a proposed set of active sectors (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, as the mobile moves around the cell sites and moves towards target cell stations or positions itself in relation to closest cell sites, the mobile is able to add potential sets in accordance to the signal strength. Thus, the mobile has the means to add or remove sector or cells from an active cell list; the determination, in indeed, of which sectors to serve the mobile device is made; hence, an identification of the sector or cell that covers the mobile is performed); and using the physical position of the mobile station as a basis

Art Unit: 2681

to select a subset of active sectors from the proposed set of active sectors, the subset of active sectors defining the active set (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, the sector or cell sites included into the active as added from the candidate sites as the mobile approaches or positions itself towards or close to a sector or cell sites correspond to determined sectors to serve the mobile station; Thus, as the measured pilot signal and its respective bias values resulting in the selection of the strongest cell candidates in order to place them in the active set, thus corresponding to the addition of a subset of the active sectors or cells, as the subset of an active set is defined as an active set); and means for providing and indication of the active set for transmission to the mobile station (col. 8, lines 38-65).

Regarding claim 6, Corbett discloses, further comprising: sending an indication of the active set to the mobile station (col. 8, lines 38-65).

Regarding claim 7, Corbett discloses, wherein determining the physical position of the mobile station comprises: receiving a signal from the mobile station indicating the mobile station position (col. 4, lines 28-34, 63-66).

Regarding claim 8, Corbett discloses, wherein determining the physical position of the mobile station comprises: querying a mobile positioning center to obtain an indication of the physical position of the mobile station (col. 4, lines 28-34, 63-66).

Regarding claim 9, Corbett discloses, wherein establishing the proposed set of active sectors comprises: identifying at least one sector that encompasses the physical position, the at least one sector defining the proposed set of active sectors (col. 3, lines

Art Unit: 2681

15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, sector are determined to comprise the coverage of the mobile station).

Regarding claim 10, Corbett discloses, wherein identifying at least one sector that encompasses the physical position comprises: querying a sector coverage database to identify the at least one sector that encompasses the physical position (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65).

Regarding claim 11, Corbett discloses, wherein the subset of active sectors consists of only one sector, and wherein using the physical position of the mobile station as a basis to select the subset of active sectors comprises: selecting from the proposed set of active sectors a sector to which the mobile station is closest (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65).

Regarding claim 12, Corbett discloses, wherein the subset of active sectors consists of only two sectors, and wherein using the physical position of the mobile station as a basis to select the subset of active sectors comprises: selecting from the proposed set of active sectors two sectors to which the mobile station is closest (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65).

Regarding claim 13, Corbett discloses, wherein sending an indication of the active set to the mobile station comprises: sending a Handoff Direction Message (HDM) to the mobile station, the HDM including the indication of the active set (col. 8, lines 56-65).

Regarding claim 14, Corbett discloses a soft handoff method comprising: as the mobile station moves from a first position to a second position, wherein the proposed set of active sectors when the mobile station is at the first position is different than the proposed set of active sectors when the mobile station is at the second position (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65; col. 8, lines 56-65).

Regarding claim 15, Corbett discloses a soft handoff method comprising: when the mobile station is at a first position, thereby establishing a first active set; when the mobile station has moved from the first position to a second position, thereby establishing a second active set different than the first active set (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65; col. 8, lines 56-65).

Regarding claim 16, Corbett discloses a method comprising: periodically performing the method of claim 6 (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65; col. 8, lines 56-65).

Regarding claim 17, Corbett discloses a method of establishing an active set for a mobile station operating in a cellular wireless system, the method comprising: determining a physical position of the mobile station (col. 4, lines 28-34, 63-66, position of the mobile station is determined); querying a sector coverage database to identify a plurality of sectors that encompass the physical position (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, as the mobile moves around the cell sites and moves towards target cell stations or positions itself in relation

Art Unit: 2681

to closest cell sites, the mobile is able to add potential sets in accordance to the signal strength. Thus, the mobile has the means to add or remove sector or cells from an active cell list; the determination, in indeed, of which sectors to serve the mobile device is made; hence, an identification of the sector or cell that covers the mobile is performed); selecting from the plurality of sectors at most two sectors to which the mobile station is closest, the at most two sectors defining an active set (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, the sector or cell sites included into the active as added from the candidate sites as the mobile approaches or positions itself towards or close to a sector or cell sites correspond to determined sectors to serve the mobile station; Thus, as the measured pilot signal and its respective bias values resulting in the selection of the strongest cell candidates in order to place them in the active set, thus corresponding to the addition of a subset of the active sectors or cells, as the subset of an active set is defined as an active set); and sending to the mobile station an indication of the active set (col. 8, lines 38-65).

Regarding claim 19, Corbett discloses a system for establishing an active set for a mobile station operating in a cellular wireless system, the system comprising: a processor (col. 4, lines 1-17, a processor within base station to process data regarding the location of base stations in relation to the position of the mobile); data storage (col. 4, lines 1-34); program instructions stored in the data storage and executable by the processor to cause the processor to determine a physical position of the mobile station (col. 4, lines 28-34, 63-66), to use the physical position of the mobile station as a basis

Art Unit: 2681

to establish a proposed set of active sectors (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, the sector or cell sites included into the active as added from the candidate sites as the mobile approaches or positions itself towards or close to a sector or cell sites correspond to determined sectors to serve the mobile station; Thus, as the measured pilot signal and its respective bias values resulting in the selection of the strongest cell candidates in order to place them in the active set, thus corresponding to the addition of a subset of the active sectors or cells, as the subset of an active set is defined as an active set), to use the physical position as a basis to select a subset of active sectors from the proposed set of active sectors, the subset defining an active set (col. 3, lines 15-23; col. 4, lines 56-67; col. 5, lines 13-25, col. 7, lines 23-51; col. 8, lines 38-65, the sector or cell sites included into the active as added from the candidate sites as the mobile approaches or positions itself towards or close to a sector or cell sites correspond to determined sectors to serve the mobile station; Thus, as the measured pilot signal and its respective bias values resulting in the selection of the strongest cell candidates in order to place them in the active set, thus corresponding to the addition of a subset of the active sectors or cells, as the subset of an active set is defined as an active set), and to provide an indication of the active set for transmission to the mobile station (col. 8, lines 38-65).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2681

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

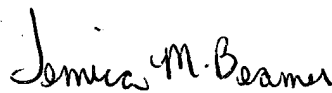
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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TEMICA BEAMEN
PRIMARY EXAMINER

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